

this important subject of State rights and State sovereignty, and the relations which the State and Federal Governments bear to each other in this our American system of republican government, and I shall endeavor to establish these three propositions :

1st. That the several Colonies, from the date of the Declaration of Independence, became, and were sovereign and independent States, and their several and separate independence was *recognized* not *granted* by the treaty of peace between them and the British King, of the 3d of September, 1783.

2d. That the Constitution of the United States was *adopted by the people, not as individuals* composing one entire *nation*, but as composing the distinct and independent States to which they separately belonged : and that, in this sense, each State ratifying the Constitution, was considered as a sovereign body, independent of all others, and only bound by its own *voluntary* act, and in this sense, when adopted, it became the government of the *people* of the *United States*.

3d. That the Government of the United States thus created by the adoption of this Constitution, is of a *limited character*, *confined* to the exercise of powers expressly granted, and such as may be necessary and proper for carrying the granted powers into full execution ; and that all powers not thus *granted* or necessarily *implied*, are expressly reserved to the States respectively or to the people.

The conclusions which I deduce from these propositions, are opposed both to the doctrine of *secession* as a *constitutional* or *reserved right* in a State or the *people of a State*, and to that other doctrine which I regard as equally dangerous to the constitutional liberty, viz., that we are a *people consolidated into one nation*, with a national government having an *indefinite supremacy* over all persons and things, a doctrine, the tendency of which is "to establish that legislative omnipotence in Congress, and that uncontrolled discretion in the President which renders every form of written Constitution *idle and useless*." I infer from these propositions that our "Federal and State Governments, are parts of one system *alike* necessary for the common prosperity, peace and security, and ought to be regarded *alike* with a cordial, habitual and immovable attachment," that "respect for the authority of *each*, and acquiescence in the just constitutional measures of each, are duties required by the plainest consid-

erations of national, of State, and of *individual* welfare," that "the State governments should be held secure in their reserved rights, and the General Government sustained in its constitutional powers." I hold, sir, that the *States* form distinct and independent portions of the *general supremacy*, in our system of government, and that the States within their respective *spheres* are no more subject to the authority of the General Government, than that government is subject to the States within *its* own sphere. I admit to the fullest extent, that the Constitution of the United States and the laws of Congress passed in pursuance thereof, are the supreme laws of the land, and that any law or ordinance of any State in contravention or subversion thereof, is null and void, and *no citizen* of any State is bound *thereby*. This is a position that would have been equally true if no such express declaration had been made in the Constitution itself, for it would have resulted necessarily from the institution of a *federal government*. But I also hold that the Constitutions of the several States and the laws of their several Legislatures passed in pursuance of *their* legitimate powers, are equally the supreme law of the several States, and that any law or ordinance of Congress, or of the President, in contravention or subversion thereof, is null and void, and that the citizen of the State is not bound by it. The laws of the United States are supreme as to their proper constitutional objects. The laws of the States are supreme in the same way. Neither is paramount or subordinate to the other, but each is paramount and supreme within its appropriate and constitutional *sphere of action*. And hence I hold that *paramount allegiance* cannot be claimed from the citizen to the one more than the other. And that it is no more his paramount duty to sustain the Federal Government in the exercise of its constitutional powers as against his State, than it is to sustain his State in the exercise of her reserved rights as against the *Federal Government* when that government shall attempt to invade them.

But then the question at once arises in every intelligent mind, suppose the case of conflict between *these two jurisdictions*, what then ? I answer, 1st, that such conflicts have frequently *arisen* in the history of our country since the adoption of the Constitution of the United States. Laws have been passed by the States and by Congress, in which each overstepped the limits